

## City Council Minutes – August 27, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 27, 2002. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price – 9. Mayor Felker presided –1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Alcala.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

Councilmember Stubbs moved to suspend the rules and add a final plat for Miller's Glen Subdivision to the agenda under Unfinished Business. The motion seconded by Councilmember Price carried. Councilmember Dunn voted "no". (8-1-0)

Councilmember Stubbs moved to reinstate the rules. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION by A-1 Alarms, Inc. requesting approval of company license to operate an Alarm Installation & Service Company within the Topeka City limits as per City Ordinance Article XI, Section 30-396 through Section 30-427 was presented.

Minutes of the regular meeting of August 27, 2002 were presented.

APPLICATIONS for a Cereal Malt Beverage License, bearing the approval of the Chief of Police and City Inspectors for CITGO, 1000 SW Wanamaker Road; Kwik Shop Convenience Store, 738 SW Gage; and Phillips 66, 1611 SE 29<sup>th</sup> Street, were presented.

Councilmember Dunn moved to accept the consent agenda. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

FINAL PLAT for Miller's Glen Subdivision on property located west of SW Indian Hills Road and south of SW 21<sup>st</sup> Street within unincorporated Shawnee County, Kansas, (P02/14), was presented.

Dave Thurbon, Planning Director gave the staff report.

Bill Rowland, applicant appeared for questions.

Discussion continued by several Councilmembers on the annexation of the subdivision, cost of traffic signals and streets for the development and estimated arrival of commercial development in the area.

Councilmember Stubbs stated that it would be a nice addition to the southwest area.

Councilmember Stubbs moved to accept the final plat. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

ORDINANCE NO. 17880 introduced by Mayor Felker approving and adopting the operating budget for the City of Topeka, for the year 2003, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

Councilmember Duffy submitted suggestions for the budget amendments to begin City Council deliberations. He explained that due to the fact that the State of Kansas failed to provide approximately \$480,000 to the City of Topeka from the Local Ad Valorem Tax Reduction Fund and the County/City Revenue Sharing Fund as required by State Statute, that would result in an increase of approximately .562 mills above last year's mill levy of 32.447. He stated that he would offer the first five suggestions as one amendment to the operating budget, and the last two as one amendment to the Capital Budget. The suggested amendments are as follows:

- 1) A technical adjustment eliminating \$31,611 due to the double counting of a salary in the Police Department's budget

- 2) Eliminating enhancements totaling \$468,140 (Fire Dept. position \$70,856, Finance Dept. position \$42,073, Retirement Reserve Balance \$206,400, Absorb Summer Internship into TTYEP \$69,247, Remove Y&SS added in 2002 as offset to CDBG \$79,464)
- 3) Increase the "shrinkage" rate from 2.5% to 5.0% totaling \$1,604,760
- 4) Allocate \$74,000 Transient Guest Tax fund to the Parks and Recreation Fund and shift \$100,000 from Topeka Convention Visitors Bureau Fund to the City Council
- 5) Redistribute \$2,100,000 of the 1998 1/4 cent sales tax as follows: \$178,650 Willow Street Bridge (GO Bond); \$180,000 West 2<sup>nd</sup> Street Bridge (GO Bond); \$160,000 TPAC Roof (GO Bond); \$250,000 Irrigation and Electrical (GO Bond); \$750,000 Streetscape (GO Bond); \$350,000 DTI (\$227,040) and \$200,000 Affordable Housing (\$217,752)
- 6) Defer the following CIP items for consideration at a later date (eliminated commitment to a 6.37 mill levy increase): all new FY2005-2009 items; Sumner School; Animal Shelter; Elephant/Hippo Improvement; STP Safety – 3<sup>rd</sup> and Topeka and 17<sup>th</sup> and Belle, and Indiana 10<sup>th</sup> to 11<sup>th</sup> improvements
- 7) Add Kansas Avenue Bridge to Kansas Avenue flyoff and I-70 intersection, and finance from sales tax. He stated in summary, the mill levy would be 32.931, ending balance 10%, debt service reduced 0.154 mills in 2003 and 0.915 mills in 2004.

Councilmember Dunn moved to include the first five amendments to the budget as stated by Councilmember Duffy. The motion was seconded by Councilmember Duffy.

Councilmember Lane stated that he is uncomfortable with amendment number five because it deviates from how the 1/4 cent sales tax would be used as stated on the ballot.

Councilmember Duffy noted that a policy decision was made last year to allocate the money for bridge projects and economic development. He stated that was the purpose of being very specific in reallocating that money so that they stayed within the guidelines of what they believed was the intent of the voters.

Councilmember Alcala stated that last year when the City Council was allocating money the economic development program was not discussed, however, the Topeka Boulevard Bridge was. He feels that using the funds for other reasons than what was stated violates the public trust, and also creates a big risk because of the current law suit regarding the use of these funds.

Councilmember Stubbs stated that last year they allocated \$800,000 to the Go Topeka Program clarifying that the use of funds were intended for economic development as well as bridges.

Several Councilmembers continued discussion on the pros and cons of using the sales tax to fund the Topeka Boulevard Bridge.

Councilmember Alcala raised the concern that the sales tax question may not get on the ballot. He stated that there are no assurances since it would have to go before the state legislature or involve the cooperation of the county.

Discussion continued regarding the remaining proposed amendments. Several Councilmembers stressed the importance of allocating money into the downtown area to help regenerate the foot traffic by investing in more housing, office space, and retail businesses. The increase in "shrinkage" will enable the city to utilize the manpower that already exists, to cut new or vacant positions implementing better leadership through the comparability study.

Councilmember Alcalá moved to amend item two to transfer the \$70,956 from the Housing and Credit Counseling Fund for the new fire department position, and place the balance of the money in the General Fund. The motion was seconded by Councilmember Dunn.

Dennis Phillips, Fire Department Chief appeared for questions.

Darrell Dibbern, City of Topeka Fire Marshall stated that he would like to see this position filled. If this position would be filled it would allow for cut backs in overtime and enable the TFD to investigate arson cases more efficiently.

Councilmember Duffy stated that he opposed the new position at this time and challenges department heads to optimize.

Several Councilmembers stated that they agree with Councilmember Duffy and challenge every department to restructure and reorganize, utilize the employees that we already have, and utilize the resources that we have while considering the nations economic condition.

The motion to amend item two failed. Councilmember Hecht, Duffy, Stubbs, Hill and Price voted "no". (5-4-0)

Councilmember Alcalá moved to make an amendment to increase the "shrinkage" to 6.5%. The motion seconded by Councilmember Lane failed. Councilmembers Pomeroy, Dunn, Hecht, Stubbs, Hill and Price voted "no". (3-6-0)

Councilmember Dunn made a motion to transfer the Housing and Credit Counseling Fund to the Housing and Neighborhood Fund instead of using tax dollars.

Councilmember Dunn withdrew the motion.

Dave Graverson, Interim Chief Administrative Officer discussed the vacancy credits and distributed a memo.

In response, Councilmember Stubbs stated that some programs and services may need to be eliminated due to reorganization or "shrinkage".

Richard Forester, Topeka Convention Visitors Bureau appeared to respond to questions about the Transient Guest Tax Fund.

Several Councilmembers stated that they would like to have more control over the TGT Funds and how they are allocated.

Randy Bailes, Finance Director explained that if the money from the Transient Guest Tax Fund is transferred to the Parks and Recreation Department it would not give that department more spending money it would only give them more revenue to be taxed on.

Councilmember Alcalá made a motion to divide the question. The motion seconded by Councilmember Lane carried. Councilmember Hecht and Price voted "no". (7-2-0)

Councilmember Dunn moved to approve items one through four. The motion was seconded by Councilmember Duffy.

Councilmember Hill moved to reconsider her vote on the motion to approve the new fire department position.

Councilmember Alcalá moved to make a motion to transfer the \$70,956 from the Housing and Credit Counseling Fund to include the new fire department position, and place the balance of the money in the General Fund. The was motion was seconded by Councilmember Lane.

Councilmember Duffy called a point of order.

The parliamentarian ruled that the vote is to reconsider the original motion made by Councilmember Alcalá.

The motion to reconsider the vote seconded by Councilmember Lane failed.

Councilmembers Pomeroy, Dunn, Hecht, Duffy, Stubbs and Price voted "no". (3-6-0)

Councilmember Dunn's motion to approve items one through four carried unanimously.  
(9-0-0)

Councilmember Duffy moved to accept item five. The motion was seconded by Councilmember Stubbs.

Councilmember Alcalá and Lane stated that they would oppose item five because they feel this money is essential for the Topeka Boulevard Bridge.

The motion to approve item five carried. Councilmembers Alcalá and Lane voted "no".  
(7-2-0)

Councilmember Price stated that he would like to discuss the costs involved with moving the Lock Box Operations in-house for the Water Department and the money that can be saved by keeping the process out sourced.

Don Rankin, Water Department Superintendent explained the operation and the cost to move it in-house.

Councilmember Stubbs stated that she agrees that the process should remain out sourced due to the cost savings generated.

Councilmember Dunn inquired on what the two temporary positions needed to implement this process would cost.

Councilmember Pomeroy inquired on the payment structure and procedure for the county jail.

Councilmember Pomeroy moved to adopt the ordinance as amended. The motion seconded by Councilmember Duffy carried. Councilmember Alcalá and Lane voted "no". (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Dunn, Hecht, Duffy, Stubbs, Hill and Price -7. Councilmembers Alcalá and Lane voted "no" -2.

ORDINANCE NO. 17881 introduced by Mayor Felker, attesting to the increase in taxes levied for budget year 2003 necessary to finance public services for the City of Topeka, placed on first reading August 20, 2002, was again presented.

Councilmember Duffy moved to amend the ordinance on line 14, section 2 after the phrase "after careful public deliberations" insert "it has been determined that the State of Kansas did not transfer approximately \$480,000 or the equivalent of .562 mills to the City of Topeka from the Local Ad Valorem Tax Reduction Fund and the County/City Revenue Sharing Fund as required by State Statute. Since the State of Kansas failed to provide these funds" as it is hereby attested, and on line 17, insert "or the equivalent of .562 mills." The motion seconded by Councilmember Dunn carried.

Councilmember Alcalá and Lane stated that they would vote "no" on the ordinance because of amendment item number two, which removes the money for the Topeka Boulevard Bridge.

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Dunn, Hecht, Duffy, Stubbs, Hill and Price -7. Councilmembers Alcalá and Lane voted "no" -2.



RESOLUTION NO. 7255 introduced by Mayor Felker, adopting the 2003-2004 Capital Budget for the City of Topeka, Kansas, was presented.

Councilmember Duffy explained the remaining two amendments in detail. To defer several Capital Improvement Program items for consideration at a later date and to add the Kansas Avenue Bridge, the Kansas Avenue flyoff and the I-70 Intersection all to be financed by the sales tax.

Councilmember Duffy moved to approve amendments six and seven. The motion was seconded by Councilmember Dunn.

Several Councilmembers continued the discussion concerning the Capital Improvement Program deferrals and the safety and economic impact it would have on the community.

Councilmember Duffy withdrew the motion.

Councilmember Duffy moved to approve amendment six and defer amendment seven. The motion seconded by Councilmember Dunn carried. Councilmember Price voted "no". (8-1-0)

Councilmember Duffy moved to include the Tennis Improvement Project in the amount of \$600,000 in any further discussion on the 2004 Capital Improvement Program. The motion seconded by Councilmember Lane carried. Councilmember Dunn voted "no". (8-1-0)

Councilmember Stubbs moved to suspend the refurbishing of the Fire Station No. 9 and the Vehicle Storage Building until 2005. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Dunn moved to adopt the resolution as amended. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

RESOLUTION NO. 7256 introduced by Mayor Felker authorizing and adopting the 2003-2009 Capital Improvement Program for the City of Topeka, Kansas, was presented.

Councilmember Dunn moved to approve the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

APPROVAL for the City of Topeka's FY2003 Consolidated Plan as required by U.S. Department of Housing and Urban Development (HUD) was presented.

Randy Speaker, Director of Housing and Neighborhood Department gave the staff report and distributed suggested amendments. He stated that he made adjustments to address the three areas of need identified by the CDAC Consolidated Plan Committee. The changes are as follows:

- 1) \$50,000 from "Empowerment-Public Facilities" to "Emergency Repairs"
- 2) \$69,920 reprogrammed from "Seed House Move" to "Accessibility Modifications"
- 3) \$106,000 from "Empowerment-Public Facilities" to "Major Rehabilitation"
- 4) \$100,000 from "In-Fill Housing Development" to "Major Rehabilitation"

Randy Speaker stated that the impact of the changes would have the following results: emergency repairs would be increased from \$200,000 to \$250,000; accessibility modifications would be increased from \$50,000 to \$119,920; and major rehabilitation would be increased from \$131,500 to \$337,500.

Councilmember Dunn moved to accept the FY2003 Consolidated Plan. The motion was seconded by Councilmember Hill.

Councilmember Lane stated that he would not participate in the discussion, and will abstain from voting due to a possible conflict.

JoAnn Peavler, representative for the Community Advisory Council gave their recommendations on the FY2003 Consolidated Plan.

Beca Vaughn and Ellen Ross appeared and commented on the FY2003 Consolidated Plan.

Several Councilmembers expressed concern on the process and procedures that were being used in the HND programs.

In response, Randy Speaker explained that the goal of the department is to allow the programs that have fallen behind to catch up the workload and adapt to the new departmental functions. After these goals have been accomplished each program's productivity will be evaluated in July 2003 to decide if there is a need to continue with the program in question.

Councilmember Duffy noted that the proposed 2003 Consolidated Plan did not allocate money for economic development.

Councilmember Duffy moved to make an amendment to the plan to take \$100,000 of the \$350,000 HOME Fund money that is to be rolled over into next year to start the Micro Business Loan Program. The motion was seconded by Councilmember Dunn.

Discussion continued on the pros and cons of the Small Business Loan Program compared to the Micro Business Loan program and which program best suites the community.

Randy Speaker explained that economic development is not an eligible program for the HOME Fund, however, any of the CDGB Funds can be used.

Councilmember Duffy withdrew his motion.

The motion to accept the plan carried. Councilmembers Hecht and Duffy voted "no". Councilmember Lane abstained. (6-2-1)

RESOLUTION NO. 7257 introduced by John Alcala relating to a compensation study of the City of Topeka Street Section, Teamsters Union Local 696, per City of Topeka Contract No. 31540 was presented.

Councilmember Alcala explained the resolution.

Mayor Felker noted that the study has already been implemented.

Councilmember Alcala moved to approve the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 28229 which provides for the construction of a new facility for removing water from the lime softening residual at the Water Treatment Plant as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and rescinding City of Topeka Resolution No. 6783 was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graverson expressed his appreciation to the City Council for their efforts of deliberation concerning the finalizing of the 2003 Operating Budget and Capital Improvement Program.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that there would be a meeting held on August 24, 2002 at 1:00 p.m. in the Executive Conference Room, City Hall concerning the re-establishment of the districts, suggestions may also be submitted in writing.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane stated that he has received several calls from his constituents concerning code compliance issues with the trailer court located at the corner of 21<sup>st</sup> Street and

Massachusetts, and inquired on when this area is going to be cleaned up. He also received a call from the resident who lives at 1304 SE Brady stating that the fire hydrant needs to be replaced following the completion of the red water Project.

Councilmember Pomeroy asked why several of the fire hydrants located on the northwest area of the State Hospital grounds were covered up. He stated that the Police and Fire Departments did an excellent job managing the National Socialist's Movement Rally resulting in a tremendous positive event for the community.

Councilmember Alcala expressed his appreciation concerning the commencement of the Seward Avenue Project. He stated that there are some code compliance issues that need to be addressed in the 500 block of Twist.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

David Owen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 11:15 p.m.

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Iris Walker  
City Clerk